

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

BODYGUARD PRODUCTIONS, INC., <i>et al.</i> ,  <p style="text-align: center;">Plaintiffs,</p> <p style="text-align: center;">v.</p> RCN TELECOM SERVICES, LLC, <i>et al.</i> ,  <p style="text-align: center;">Defendants.</p>	Civ. A. No. 3:21-cv-15310 (GC) (TJB)  <b>ORDER</b>
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CASTNER, District Judge

**THIS MATTER** comes before the Court upon the Motion to Dismiss Plaintiffs’ First Amended Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6) (the “Motion”), filed by Defendants RCN Telecom Services, LLC and RCN Telecom Services of Massachusetts, LLC (collectively, “Defendants”). (Defs.’ Mot., ECF No. 28.) Plaintiffs Bodyguard Productions, Inc.; Hitman Two Productions, Inc.; Killing Link Distribution, LLC; LHG Productions, Inc.; Millennium Funding, Inc.; Millennium IP, Inc.; MON, LLC; Nikola Productions, Inc.; Outpost Productions, Inc.; Rambo V Productions, Inc.; SF Films, LLC; Venice PI, LLC; Voltage Holdings, LLC; Wonder One, LLC; YAR Productions, Inc.; and After II Movie, LLC (collectively, “Plaintiffs”) opposed (Pls.’ Opp’n, ECF No. 30), and Defendants replied (Defs.’ Reply, ECF No. 32). The Court has considered the parties’ submissions and decides this matter without oral argument pursuant to Federal Rule of Civil Procedure 78(b) and Local Civil Rule 78.1(b). For the reasons stated in this Court’s Opinion, entered on this same day,

**IT IS** on this 11th day of October 2022,

**ORDERED** that Defendants' Motion (*see* ECF No. 28) is **GRANTED in part** and **DENIED in part**; and it is further

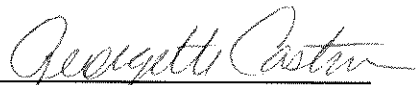
**ORDERED** that Defendants' Motion to Dismiss Counts I, II and IV is **DENIED**; and it is further

**ORDERED** that Defendants' Motion to Dismiss Count III is **GRANTED**; and it is further

**ORDERED** that Count III of Plaintiffs' FAC is hereby **DISMISSED** without prejudice; and it is further

**ORDERED** that Defendants' original Motion to Dismiss (*see* ECF No. 13), filed prior to the filing of Plaintiffs' FAC, is hereby administratively terminated as moot.

**IT IS SO ORDERED.**

  
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**GEORGETTE CASTNER**  
**United States District Judge**